

TFC Contract No. 18-115-000
Terracon Consultants, Inc.
Amendment No. 1 to Assignment No. 10
Project No.: 18-022-2501

**INDEFINITE DELIVERY INDEFINITE QUANTITY
PROFESSIONAL SERVICES AGREEMENT
BETWEEN
THE TEXAS FACILITIES COMMISSION
AND
TERRACON CONSULTANTS, INC**

AMENDMENT NO. 1 TO ASSIGNMENT NO. 10

This Indefinite Delivery Indefinite Quantity Amendment No. 1 to Assignment No. 10 (hereinafter referred to as "Amendment No. 1 to Assignment No. 10") is entered into by and between the Texas Facilities Commission (hereinafter referred to as "TFC"), a state agency located at 1711 San Jacinto Boulevard, Austin, Texas 78701, and Terracon Consultants, Inc. (hereinafter referred to as "Professional Service Provider" or "PSP"), located at 5307 Industrial Oaks Boulevard, Suite 160, Austin, Texas 78735, to be effective on the Effective Date (as defined below) and to be performed in accordance with the terms and conditions as follows:

RECITALS.

WHEREAS, the parties entered into that one certain *Indefinite Delivery Indefinite Quantity Professional Services Agreement, TFC Contract No. 18-115-000* and dated October 18, 2017 (hereinafter referred to as the "Agreement"); and

WHEREAS, on June 20, 2018, TFC and PSP entered into Assignment No. 10 for the purpose of providing a limited asbestos containing materials survey for the State Finance Commission Building; and

WHEREAS, the parties now desire to enter into this Amendment No. 1 to Assignment No. 10 for the purpose of setting forth the terms and conditions for the provision of additional Professional Services for the Project and to extend the Duration of Assignment No. 10, all as more particularly set forth below;

NOW THEREFORE, the parties hereby agree as follows:

1. The parties hereby agree to modify ARTICLE II – DESCRIPTION OF PROJECT AND SCOPE OF SERVICES, TO BE PROVIDED, SECTION 2.1 – DESCRIPTION OF PROJECT, by reflecting Additional Services to be provided by PSP for asbestos consulting services for the abatement phase which will include bulk sample collection of the ceramic tile in the restroom/shower, the removal of previously identified asbestos-containing boiler supply, and return fitting insulation materials prior to renovation/demolition operations from the Outside Mechanical Room of the State Finance Building located at 1613 North Congress Avenue, Austin, Texas 78701. Services shall include, but are not limited to: (i) conduct additional limited asbestos sample collection; (ii) provide air monitoring/inspection services during abatement; and (iii) prepare project closeout documents following abatement

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operations as set forth in in "Exhibit A-10-1," PSP's IDIQ Proposal for Amendment No. 1 to Assignment No. 10, dated September 11, 2018, attached hereto and incorporated herein for all purposes (hereinafter referred to as the "Project").

2. The parties hereby agree to modify ARTICLE III – TERM AND TERMINATION, SECTION 3.1 – DURATION, so that it reads in its entirety as follows:

"3.1. Duration. This Assignment No. 10 shall be effective as of the Effective Date and shall terminate on August 31, 2019, unless extended by the parties by amendment to this Assignment No. 10 or terminated earlier, as provided below.

3. The parties hereby agree to modify ARTICLE IV – CONSIDERATION, SECTION 4.1 – AGREEMENT LIMIT-FEES AND EXPENSES, SUBSECTION 4.1.1 – FEES AND EXPENSES, by reflecting additional compensation to be paid to the PSP for additional services provided in the amount of One Thousand Eight Hundred Sixty-Five and No/100 Dollars (\$1,865.00), thus increasing the total not to exceed amount from Seven Hundred Ninety and No/100 Dollars (\$790.00) to a total not to exceed amount of Two Thousand Six Hundred Fifty-Five and No/100 Dollars (\$2,655.00).

4. Except as amended and supplemented by this Amendment No. 1 to Assignment No. 10, the terms and conditions of the Agreement and of Assignment No. 10 shall remain in full force and effect.

IN WITNESS WHEREOF the parties hereto have made and executed this Amendment No. 1 to Assignment No. 10 to be effective as of August 31, 2018.

TEXAS FACILITIES COMMISSION

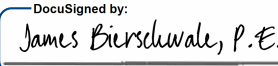
TERRACON CONSULTANTS, INC.

By: 
DocuSigned by: Naomi R. Gonzalez
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Naomi R. Gonzalez, Acting General Counsel

FOR John S. Raff

Interim Executive Director

By: 
DocuSigned by: James Bierschwale, P.E.
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James Bierschwale, P.E.

Vice President

 G.C.

 Dir.

 D.E.D.

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EXHIBIT A-10-1

AMENDMENT NO. 1 TO ASSIGNMENT NO. 10

**PSP'S IDIQ AMENDMENT NO. 1 TO ASSIGNMENT NO. 10
PROPOSAL DATED SEPTEMBER 11, 2018**

September 11, 2018



Texas Facilities Commission
Facilities Design & Construction
1711 San Jacinto Boulevard
Austin, TX 78701

Attention: Ms. Dorothy Spearman - Senior Project Manager
Telephone: 512.463.2946
Mobile: 512.786.0575
E-Mail: dorothy.spearman@tfc.state.tx.us

Re: State Finance Building (SFB)
Outside Mechanical Room
1613 N. Congress Avenue
Austin, Texas 78701
Terracon Proposal No. P96187352

Dear Ms. Spearman:

Terracon Consultants, Inc. (Terracon) is pleased to submit this proposal to provide asbestos consulting services for the abatement phase of the project at the above referenced location. The scope of services is intended to meet state and federal requirements for asbestos abatement projects conducted prior to renovation or demolition operations in public buildings. Terracon understands the work will include bulk sample collection of the ceramic tile in the restroom/shower and the removal of previously identified asbestos-containing boiler supply and return fitting insulation materials prior to renovation/demolition operations. The known asbestos-containing materials (ACM) were identified as part of an asbestos survey conducted by Terracon on June 26, 2018 (Project 96187352).

Terracon proposes to conduct additional limited asbestos sample collection, provide air monitoring/inspection services during abatement, and prepare project closeout documents following abatement operations as part of the scope of work in this proposal.

PROPOSED SCOPE OF SERVICES

Task 1 – Asbestos Inspection Services

Terracon will mobilize a Texas Department of State Health Services (TDSHS) licensed Asbestos Inspector to conduct a limited asbestos survey as required by US Environmental Protection Agency (USEPA) regulation 40 CFR Part 61, National Emissions Standards for Hazardous Air Pollutants (NESHAP) and the TDSHS Texas Asbestos Health Protection Rules. Terracon will conduct a visual assessment of the selected building areas to identify materials



Terracon Consultants, Inc. 5307 Industrial Oaks Boulevard, Suite 160 Austin, Texas 78735
P (512) 442 1122 F (512) 442 1181 terracon.com

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Terracon

suspected of containing asbestos (suspect ACM). Suspect materials will be physically assessed for friability and evidence of damage or degradation. Samples of suspect ACM will be collected for laboratory analysis.

Bulk sample collection will be conducted in general accordance with the protocols outlined in USEPA 40 CFR 763.86. Some isolated damage to building materials will occur during sampling; however, Terracon will attempt to limit such damage to the extent necessary for sample collection. Terracon will not be responsible for preparation, repair and/or repainting of sampled locations.

We estimate up to six (6) samples will be collected for analysis as part of the limited asbestos inspection in the path-of-construction associated with the restroom/shower component of the Outside Mechanical Room project in the SFB. The homogeneous materials which will be sampled in this investigation may include, but will not be limited to: ceramic tile in the restroom and shower and any adjacent materials which might be impacted in the planned renovation.

The scope of the survey will be confined to rooms and areas accessible on the day the limited survey work is conducted but is intended to access only specific interior areas of the building to be affected by the planned renovations. Sampling cannot be conducted in rooms or areas that are not made available for inspection, and will not be conducted if the materials are inaccessible due to physical barriers, confined spaces or if they cannot be safely reached with available ladders.

A NVLAP accredited and TDSHS licensed laboratory will analyze suspect asbestos bulk material samples by visual estimation utilizing polarized light microscopy (PLM) protocol. When PLM sample results of friable materials are greater than zero but less than 10% asbestos, USEPA regulations recommend that the sample be re-analyzed using the more quantitative point counting technique, or that the material be considered ACM and subject to NESHAP regulations.

If PLM analysis reveals the presence of asbestos within this range for friable materials, Terracon will contact the Client to discuss the merits of point count analysis. Client approval will be obtained before authorizing re-analysis if additional costs will be incurred.

Task 2 – Abatement Air Monitoring/Inspection Services

Terracon will provide a licensed Asbestos Consultant and Technicians, who will be available for periodic inspections and air sampling throughout the duration of the removal project. The Asbestos Consultant will coordinate operations with and for the Client and provide abatement project management for the duration of the project. Terracon will also review all pre-job submittals pertaining to asbestos abatement prior to the beginning of the project. Critical visual inspections conducted prior to the start of work and at the completion of abatement prior to

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encapsulation, will be conducted by the Consultant or a qualified Project Manager delegated by the Consultant. Air monitoring will be conducted during the abatement activities. The air samples collected during the work periods and following completion of abatement activities will be analyzed on-site by Phase Contrast Microscopy (PCM) in accordance with the National Institute of Occupational Safety and Health (NIOSH) Method 7400.

Task 3 – Final Project Documentation

Once the project is completed, Terracon will prepare a final project report. Unless otherwise instructed, one (1) electronic version of the final report will be submitted to the Client. The final project report will include a description of the project, asbestos air monitoring results, and a review of the Abatement Contractor's documentation. Review of the Abatement Contractor's documentation will include waste disposal manifests, worker documentation, and all project submittals.

PROJECT BUDGET

The project budget is based on the anticipated scope of work as outlined above. Work in each task is presented as time and material charges, which will be based in part on the duration of the abatement project as proposed by the selected Abatement Contractor.

The following is an estimate based upon available data and will not be exceeded without Client approval.

- **Task 1 – Asbestos-Containing Building Materials Survey:**
 - On-site collection of bulk samples,
 - Inspector, \$80.00/hour (estimate 2.0 man hours with travel) \$ 160.00
 - PLM laboratory analysis, 6 samples at \$15.00/sample \$ 90.00
- **Task 2 – Abatement Air Monitoring/Inspection Services**
 - On-site Inspection/Air Monitoring (includes collection and analysis of up to 10 PCM air samples/day),
\$80.00/hour (estimate 9 hours w/ travel) \$ 720.00
 - Asbestos Abatement Project Management (includes project coordination and other project related work),
\$125.00/hour (estimate 3 hours) \$ 375.00
- **Task 3 – Final Project Documentation**
 - Report Preparation, \$95.00/hour (estimate 3 hours) \$ 285.00
 - Clerical, \$55.00/hour (estimate 2 hours) \$ 110.00
 - Consultant Review, \$125.00/hour (estimate 1 hour) \$ 125.00
 - Estimated Project Consulting Costs:** **\$ 1,865.00**

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Terracon's invoice will be submitted to the Client upon completion of the proposed services. If conditions are encountered at the site which require significant changes in the scope of services or a significant increase in the anticipated number of hours necessary which will increase the cost of the project, you will be contacted for discussion and approval of such changes before we proceed.

CONDITIONS

Items to be provided by the Client include:

- The legal right-of-entry to conduct the project.
- Any restrictions or special access requirements regarding the site shall be made known to Terracon prior to site mobilization.
- Any known environmental conditions at the site (i.e., hazardous materials or processes, specialized protective equipment requirements, unsound structural members, etc.) shall also be communicated to Terracon prior to site mobilization.
- A diagram of the building layout such as a scaled Architect's drawing or construction drawings (if available) will be provided to Terracon prior to site mobilization.

GENERAL COMMENTS

The analysis, comments and recommendations presented in the written report will be based on the information collected as discussed in this proposal. If requested by the Client, Terracon may provide a verbal report prior to completion of a final written report. The content of the final written report takes precedence over any verbal reports which may be provided. Please note that Terracon does not warrant the work of laboratories, regulatory agencies or other third parties supplying information used in the preparation of the report. Terracon cannot guarantee a building or building components to be asbestos free.

These additional services shall be conducted under the Indefinite Delivery Indefinite Quantity Professional Services Agreement (TFC Contract No. 18-115-000 Assignment 10) and may be authorized by executing an Amendment to Assignment 10 and returning a copy to Terracon.

TFC Contract No. 18-115-000

Exhibit A-10-1

Amendment No. 1 to Assignment No. 10

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Terracon

We appreciate the opportunity to provide this proposal and look forward to working with you on this project. If you should have any questions or comments regarding this proposal or require additional services, please call.

Sincerely,

Terracon Consultants, Inc.




Mitch Stogner

Individual Asbestos Consultant

TDSHS License No.: 105648

mitch.stogner@terracon.com



Richard Ian Howes

Individual Asbestos Consultant

TDSHS License No.: 105406

ian.howes@terracon.com